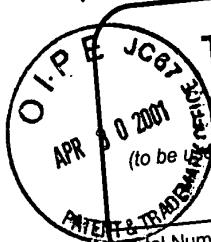


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#4



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

1

Application Number	09/301,380
Filing Date	April 27, 1999
First Name & Inventor	Murphy, Gerald, et. al.
Group Art Unit	1643
Examiner Name	Not assigned
Attorney Docket Number	20093A002100

RECEIVED

MAY 02, 2001

OFFICE OF PETITIONS

ENCLOSURES (check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment / Response
- After Final
- Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/ Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Assignment Papers (for an Application)
- Drawing(s)
- Licensing-related Papers
- Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

 After Allowance Communication to Group Appeal Communication to Board of Appeals and Interferences Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s)
(please identify below):

Petition to Revive Unintentionally Abandoned Application; Notice to File Missing Parts (copy); Return Receipt Postcard

Remarks
The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Customer No. 20,350

Reg No. 32,928

Firm and Individual name

Townsend and Townsend and Crew LLP

Brian W. Poor

Signature

Brian W. Poor

Date

25 April 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

4/25/01

Typed or printed name

Jennifer M. Smolen

Date

4/25/01

Signature

Jennifer M. Smolen

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SE 5008025 v1

FEE TRANSMITTAL for FY 2001

APR 30 2001
Patent fees are subject to annual revision.

AMOUNT OF PAYMENT (\$ 815)

Complete If Known	
Application Number	09/301,380
Filing Date	April 27, 1999
First Named Inventor	Murphy, Gerald , et. al.
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RECEIVED

MAY 02 2001

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																																													
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number 20-1430</p> <p>Deposit Account Name Townsend and Townsend and Crew LLP</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Fee Code</th> <th>Entity Fee Code</th> <th>Small Fee Code</th> <th>Entity Fee</th> <th colspan="2">Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td colspan="2">Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td colspan="2">Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td colspan="2">Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td colspan="2">For filing a request for reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td colspan="2">Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td colspan="2">Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td colspan="2">Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td colspan="2">Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td colspan="2">Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td colspan="2">Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td colspan="2">Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td colspan="2">Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td colspan="2">Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td colspan="2">Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td colspan="2">Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td colspan="2">Petition to revive – unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td colspan="2">Petition to revive – unintentional</td><td>620</td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td colspan="2">Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td colspan="2">Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td colspan="2">Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td colspan="2">Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td colspan="2">Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td colspan="2">Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td colspan="2">Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td colspan="2">Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td colspan="2">For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td colspan="2">Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td colspan="2">Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="6">Other fee (specify) Missing Parts Surcharge; Late Declaration</td><td>195</td></tr> <tr> <td colspan="4"> <p>The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.</p> <p>**or number previously paid, if greater; For Reissues, see above</p> </td> <td colspan="4"> <p>*Reduced by Basic Filing Fee Paid</p> <p>SUBTOTAL (3) (\$ 815)</p> </td> </tr> </tbody> </table>				Large Fee Code	Entity Fee Code	Small Fee Code	Entity Fee	Fee Description		Fee Paid	105	130	205	65	Surcharge - late filing fee or oath			127	50	227	25	Surcharge - late provisional filing fee or cover sheet			139	130	139	130	Non-English specification			147	2,520	147	2,520	For filing a request for reexamination			112	920*	112	920*	Requesting publication of SIR prior to Examiner action			113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action			115	110	215	55	Extension for reply within first month			116	390	216	195	Extension for reply within second month			117	890	217	445	Extension for reply within third month			118	1,390	218	695	Extension for reply within fourth month			128	1,890	228	945	Extension for reply within fifth month			119	310	219	155	Notice of Appeal			120	310	220	155	Filing a brief in support of an appeal			121	270	221	135	Request for oral hearing			138	1,510	138	1,510	Petition to institute a public use proceeding			140	110	240	55	Petition to revive – unavoidable			141	1,240	241	620	Petition to revive – unintentional		620	142	1,240	242	620	Utility issue fee (or reissue)			143	440	243	220	Design issue fee			144	600	244	300	Plant issue fee			122	130	122	130	Petitions to the Commissioner			123	50	123	50	Petitions related to provisional applications			126	180	126	180	Submission of Information Disclosure Stmt			581	40	581	40	Recording each patent assignment per property (times number of properties)			146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))			149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))			179	710	279	355	Request for Continued Examination (RCE)			169	900	169	900	Request for expedited examination of a design application			Other fee (specify) Missing Parts Surcharge; 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SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Brian W. Poor	Registration No. (Attorney/Agent)	32,928	Telephone	206-467-9600
Signature	<i>Brian W. Poor</i>			Date	25 April 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. SE 5008028 v1

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on April 25, 2001

By: J. Molin



PATENT
Attorney Docket No. 20093A-002100US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Gerald P. Murphy, et al.

Application No.: 09/301,380

Filed: April 27, 1999

For: NR-CAM GENE, NUCLEIC ACIDS AND NUCLEIC ACID PRODUCTS FOR THERAPEUTIC AND DIAGNOSTIC USES FOR TUMORS

Examiner: Unassigned

Art Unit: 1643

**RESPONSE TO NOTICE
TO FILE MISSING PARTS**

Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED
MAY 02 2001
OFFICE OF PETITIONS

Dear Sir:

In response to the Notice to File Missing Parts of Application dated July 30, 1999, enclosed herewith are the following to be made of record in the above-identified patent application:

- (1) Petition to Revive Unintentionally Abandoned Application;
- (2) Executed Declaration and Power of Attorney;
- (3) Revocation and Substitution of Power of Attorney;
- (4) Change of Correspondence Address; and
- (4) Copy of the Notice to File Missing Parts

The Commissioner is hereby authorized to charge the following fees:

Missing Parts Surcharge.....\$130.00

PATENT

Gerald P. Murphy, et al.
Application No.: 09/301,380
Page 2

and any additional fees under 37 CFR §1.17 associated with this paper or during the pendency of this application, to Townsend and Townsend and Crew Deposit Account No. 20-1430. Two copies of this sheet are enclosed for accounting purposes.

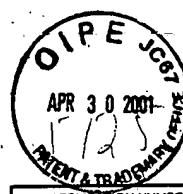
Respectfully submitted,

Dated: 25 April 2001

By: Brian W. Poor
Brian W. Poor
Reg. No. 32,928

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111
(206) 467-9600

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

5

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
--------------------	---------------------	-----------------------	--------------------------

09/301,380 04/27/99 MURPHY G 8511-021-999

020583 0262/0730
PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

NOT ASSIGNED

1643

DATE MAILED:

07/30/99

Oath/Decl. + fees - 9/30/99 (EM)

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

small entity (statement filed) non-small entity is \$ 130.00.

1. The statutory basic filing fee is:

missing.
 insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claims surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due. OFFICE OF PETITIONS

3. The oath or declaration:

is missing or unsigned.
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

T. Wilson
Customer Service Center
Initial Patent Examination Division (703) 308-1202

05/01/2001 SLUANG1 00000019 201430 09301380 02 FC:105 130.00 CH AUG 0 2 1999

REFERRED TO *Baldwin*
RECD.

Pennie & Edmonds
O.K. for filing

U.S. GPO: 1998-446-624